

REMARKS

Response to Office Communication

This amendment is responsive to the US Patent and Trademark Office Action mailed September 15, 2004. It is respectfully submitted that this Response and Amendment is fully responsive. The amendment to the Abstract now shows the language added in the first line thereof. A claim listing includes the changes as suggested by the Examiner. And, Figure 5 has been amended to show an absorbent layer and a top sheet as requested by the Examiner. Applicants respectfully submit that the present application is now in complete condition for allowance and favorable action, therefore, is respectfully requested.

Response to Supplemental Requirement for Election

In response to the Supplemental Requirement for Election mailed May 12, 2004, Applicants hereby elect, with traverse, the following species for examination. This provisional election has been made to comply with the Supplemental Requirement for Election in as much as Applicants understand the Supplemental Requirement for Election mailed May 12, 2004. It is Applicants' intention that the elected species is embraced by the claims and does not limit the claims. Accordingly, this election is made in order to comply with the Supplemental Requirement for Election mailed May 12, 2004.

Applicants elect the following species, without limiting the claims, to facilitate the Examiner's search. The elected location of the absorbent body is between the surge management layer and the backsheet and is generic, at least, to Claims 17-26 and 31-50. The elected location of the surge management layer is between the topsheet and the absorbent body, which is generic, at least, to Claims 17-26 and 31-50. Applicants elect a species that does not include a vapor barrier, which is generic, at least, to Claims 17-26, 31-37, 39-42 and 44-50. Applicants also elect a species of resilient material that is not absorbent, this species can be generic to Claims 17-26, 31, 33-46 and 48-50. Applicants further elect a species of resilient material that is breathable, which can also be generic to Claims 17-26 and 31-50. Finally, Applicants elect a closed cell foam as one of the specific materials from which the resilient material may comprise. A closed cell foam is generic to Claims 17-26 and 31-50. Thus, Claims 17-26, 31 33-37, 39-42, 44-46 and 48-50 are readable on the combined specific species that are currently being elected.

However, Applicants traverse the Requirement for Election and request the Examiner reconsider the Requirement for Election. Applicants respectfully submit that the Requirement for Election is improper because the alleged species are not mutually exclusive. "Claims restricted to different species must be mutually exclusive." (MPEP § 803.02) Therefore, the alleged species are not

mutually exclusive and the Requirement for Election is improper.

In the alternative, Applicants respectfully submit that the alleged species are so few in number that a search and examination of the entire claims can be made without serious burden. Thus, the examiner should examine all of the claims in the present application at this time in accordance with MPEP § 803.02.

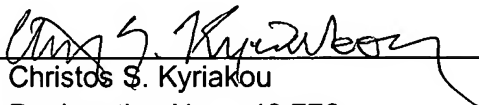
Should any issues remain after consideration of this response, Examiner Reichle is invited and encouraged to telephone the undersigned at (770) 587-8620.

Please charge any prosecutorial fees that are due or that are necessary to keep the present patent application pending to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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Christos S. Kyriakou

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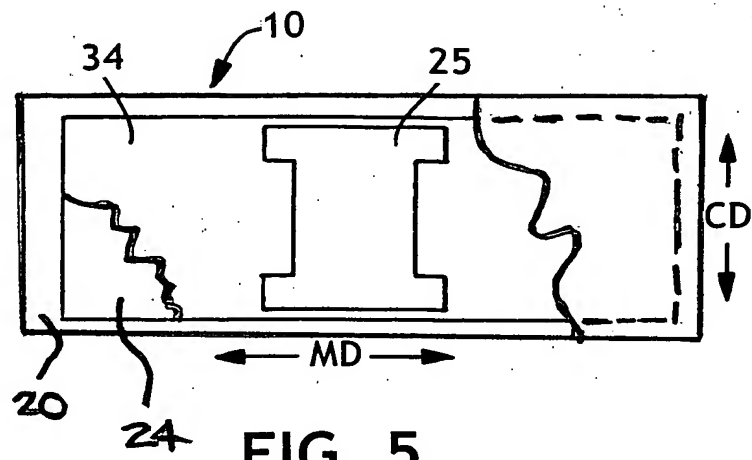


FIG. 5

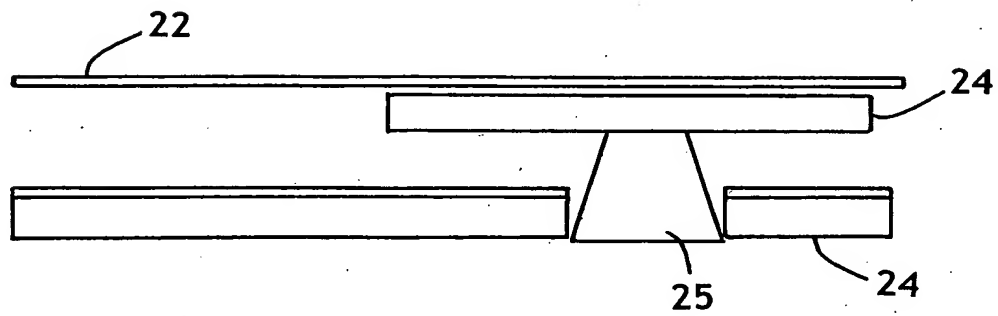


FIG. 6

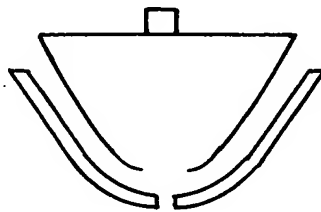


FIG. 7